UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

UNITED STATES OF AMERICA, : Case No. 2:20-cr-143

Civil Case No. 2:23-cv-298

Plaintiff.

- vs - Judge Sarah D. Morrison

Magistrate Judge Michael R. Merz

DIAMONDO VALDEZ BUTLER,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 57) to whom this case was referred pursuant to 28 U.S.C. § 636(b). The time for filing objections to that report under Fed. R. Civ. P. 72(b) was extended and has now expired, and no objections were filed. Accordingly, the Court hereby **ADOPTS** said Report and Recommendations.

It is hereby **ORDERED** that Defendant's Amended Motion to Vacate under 28 U.S.C. § 2255 (ECF No. 51) be **DENIED** with prejudice. Defendant is **DENIED** a certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*.

Pursuant to Fed.R.Civ.P. 58, the Clerk shall enter judgment to this effect.

IT IS SO ORDERED.

/s/ Sarah D. Morrison

SARAH D. MORRISON UNITED STATES DISTRICT JUDGE